

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Davarrio Webb,

Plaintiff,

v.

Case No. 12-12370

Blake Hiben,

Sean F. Cox

United States District Court Judge

Defendant.

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**ORDER DENYING**  
**DEFENDANT’S MOTION FOR JUDGMENT AS A MATTER OF LAW**

In this § 1983 action, Plaintiff Davarrio Webb asserts that Officer Blake Hiben used excessive force on him when he arrested Webb in connection with a home invasion. He also asserts assault and battery claims against Defendant under Michigan law.

The matter proceeded to a jury trial. At the conclusion of Plaintiff’s proofs, Defendant Hiben’s Counsel made an oral motion for judgment as a matter of law, pursuant to Fed. R. Civ. P. 50.

Judgment as a matter of law is appropriate where “the court finds that a reasonable jury would not have a legally sufficient evidentiary basis to find for the party on that issue” after “a party has been fully heard on an issue during a jury trial.” Fed. R. Civ. P. 50(a)(1). In reviewing a motion for judgment as a matter of law under Fed. R. Civ. P. 50, the Court considers the evidence in a light most favorable to the party against whom the motion is made, giving that party the benefit of all reasonable inferences. *Tuck v. HCA Health Svs. of Tennessee, Inc.*, 7 F.3d 465, 469 (6th Cir. 1993).

Having considered Defendant Hiben's motion, and applying the above standard, the Court must deny the motion. Considering the evidence presented at trial in the light most favorable to Plaintiff, a reasonable jury would have a legally sufficient evidentiary basis to find in favor of Plaintiff with respect to his claims.

Accordingly, IT IS ORDERED that Defendant's Motion for Judgment As A Matter Of Law is DENIED.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: September 17, 2015

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 17, 2015, by electronic and/or ordinary mail.

S/Jennifer McCoy

Case Manager